

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LOUIS BENJAMIN GALENSKY, )  
Individually; ) CASE NO.  
V. ) COMPLAINT FOR  
(42 U.S.C. § 1983)  
DEPUTY DALTON MORDECAI, individually, )  
DEPUTY BRUCE FERRIS, Individually, )  
OFFICER HARDAGE, Individually, )  
OFFICER MONTELONGO, Individually. ) JURY TRIAL DEMANDED  
OFFICER NUABA, Individually, )  
OFFICER J. PRICE, Individually, )  
HARRIS COUNTY, a Governmental Entity, )  
And DOES 1-10, Inclusive. )  
*Defendants.* )

Plaintiff LOUIS BENJAMIN GALENSKY, for his Complaint against the above-named Defendants, respectfully states and alleges as follows:

**JURISDICTION**

1. Plaintiff brings this civil rights lawsuit pursuant to 42 U.S.C. Section 1983 to redress the deprivation by Defendants, at all times herein acting under color of state law, of rights, secured to Plaintiff under the Constitution of the United States, including the Fourth, Ninth, and Fourteenth Amendments of the U.S. Constitution.

2. Jurisdiction is conferred on this Court by 28 U.S.C. Sections 1343(a)(3) and (a)(4), which provide for original jurisdiction in this Court of all suits brought

1 pursuant to 42 U.S.C. Section 1983. Jurisdiction is also conferred by 28 U.S.C. Section  
2 1331 because claims for relief derive from the Constitution of the United States and the  
3 laws of the United States.  
4

5 3. Venue is properly established in the United States District Court for the  
6 Southern District of Texas, Houston Division, pursuant to 28 U.S.C. Section 1391, in  
7 that the events and circumstances herein alleged occurred in the City of Houston, Harris  
8 County, Texas, and all of the Defendants were either employed in or are residents of  
9 Harris County in the State of Texas where jurisdiction is the United States District Court  
10 for the Southern District of Texas, Houston Division in Houston, Texas.  
11  
12  
13

### 14 PARTIES

15 4. At all times relevant to the facts and circumstances in the Complaint, Plaintiff  
16 LOUIS BENJAMIN GALENSKY, (hereinafter referred to as “BEN”) was a resident of  
17 Woodland Hills, California.  
18

19 5. At all times mentioned herein, Defendant DEPUTY DALTON MORDECAI  
20 (hereinafter referred to as “DALTON”) was an individual residing, on information  
21 and belief, in Harris County, Texas and was an officer, agent, and or employee of the  
22 Harris County Sheriff Department, Houston, Texas whose acts as alleged herein were  
23 performed solely in his individual capacity and/or under color of state law in engaging in  
24 the conduct described herein who was directly involved in the wrongful arrest of BEN.  
25  
26  
27

28 6. At all times mentioned herein, Defendant DEPUTY BRUCE FERRIS, (hereinafter

1 referred to as “BRUCE”) was an individual residing, on information and belief, in Harris  
2 County, Texas and was an officer, agent, and or employee of the Harris County Sheriff  
3 Department, Houston, Texas whose acts as alleged herein were performed solely in his  
4 individual capacity and/or under color of state law in engaging in the Application of  
5 Excessive Force and a beating on BEN while BRUCE was the Bailiff in the Court of  
6 Judge Kelley Andrews, Harris County Criminal Court of Law No. 6.  
7  
8

9 7. At all times mentioned herein, Defendant OFFICER HARDAGE (hereinafter  
10 referred to as “HARDAGE”) was an individual residing, on information and belief,  
11  
12 in Harris County, Texas and was a Correctional Officer at the Harris County Jail whose  
13 acts as alleged herein were performed solely in his individual capacity and/or under color  
14 of state law in engaging in the conduct described herein who was directly involved in the  
15 application of Excessive force and a beating of BEN at the Harris County Jail.  
16

17 8. At all times mentioned herein, Defendant OFFICER MONTELONGO (hereinafter  
18 referred to as “MONTELONGO”) was an individual residing, on information and belief,  
19  
20 in Harris County, Texas and was a Correctional Officer at the Harris County Jail whose  
21 acts as alleged herein were performed solely in his individual capacity and/or under color  
22 of state law in engaging in the conduct described herein who was directly involved in the  
23 application of Excessive force and a beating of BEN at the Harris County Jail.  
24

25 9. At all times mentioned herein, Defendant OFFICER NUABA (hereinafter  
26 referred to as “NUABA”) was an individual residing, on information and belief,  
27  
28

1 in Harris County, Texas and was a Correctional Officer at the Harris County Jail whose  
2 acts as alleged herein were performed solely in his individual capacity and/or under color  
3 of state law in engaging in the conduct described herein who was directly involved in the  
4 application of Excessive force and a beating of BEN at the Harris County Jail.  
5

6 10. At all times mentioned herein, Defendant OFFICER J. PRICE (hereinafter  
7 referred to as “PRICE”) was an individual residing, on information and belief,  
8

9 in Harris County, Texas and was a Correctional Officer at the Harris County Jail whose  
10 acts as alleged herein were performed solely in his individual capacity and/or under color  
11 of state law in engaging in the conduct described herein who was directly involved in the  
12 application of Excessive force and a beating of BEN at the Harris County Jail.  
13

14 11. At all times relevant to the facts and circumstances in the Complaint, Defendant  
15 HARRIS COUNTY (hereinafter referred to as “HARRIS”) is a governmental entity, duly  
16 organized and existing under the laws of the State of Texas. At all times herein, the Harris  
17 County Sheriff Department (hereinafter referred to as “SHERIFF”) was the law  
18 enforcement arm of Harris County and under the administrative and operational control  
19 of Harris County. The HARRIS COUNTY JAIL (hereinafter referred to as “JAIL”) was  
20 under the administrative and operational control of Harris County Sheriff Department.  
21  
22

23 12. Plaintiff is informed and believes, and on such basis alleges, that each of the  
24 named Defendants was and is the agent, employee, principal, employer and/or co-  
25 conspirator of each of the remaining Defendants and/or vice versa. In addition, Plaintiff  
26  
27  
28

1 is informed and believes, and on such basis alleges, that the Defendants named  
2 hereinabove, and each of them, are responsible in some manner for the occurrences herein  
3 alleged, and that each of the above-named Defendants conspired with, and/or sided and/or  
4 abetted and/or jointly collaborated with each of the remaining Defendants and identified  
5 persons in committing the acts herein alleged.  
6

7  
8 13. Plaintiff is informed and believes, and on such basis alleges, that each of the above  
9 named Defendants and settling co-conspirators were acting under the color of state law in  
10 committing the acts herein alleged, and that in doing the things herein alleged Defendants,  
11 and each of them, were acting within the course and scope of their duties as employees or  
12 agents of each other.  
13

14  
15 14. Plaintiff is informed and believes and on such basis alleges that at all relevant  
16 times, Defendants, and each of them, were the knowing agents and/or alter egos of one  
17 another, and that Defendants directed, ratified, and/or approved the conduct of each of the  
18 other Defendants, and each of their agents or employees, and are therefore vicariously  
19 liable for the acts and omissions of their Co-Defendants, their agents and employees, as  
20 more fully alleged herein. Moreover, all of the Defendants and identified persons agreed  
21 upon, approved, ratified, and/or conspired together to commit all of the acts and/or  
22 omissions alleged in this Complaint.  
23  
24  
25  
26  
27  
28

**FACTUAL ALLEGATIONS**

15. In or about August 16, 2021, BEN entered the corporate offices of ATLAS DESIGN & REMODELING, INC. (FORMERLY ABMA, INC.) at 6422 Highway 6 N, Houston, Texas 77084 to obtain his sales commission. While at the corporate office to pick up his check an employee refused to pay him. Immediately, afterward BEN was attacked by two (2) employees after he video taped the refusal to pay him his paycheck. He was injured but was able to call the 911. Deputy MORDACAI showed up and BEN was able to show him the entire video with his cell phone. BEN was rushed to the hospital. The video showed that BEN did not start the incident. **However, shortly afterward Deputy MORDACAI charged BEN with misdemeanor assault and bodily injury even though BEN was the only person injured. BEN also showed the video on his cell phone to Deputy MORDACAI, yet after conversations with employees of ABMA. Inc. still charged BEN without any video evidence to the contrary and without any probable cause. Thus, the true aggressors were not charged. The case against BEN was later dismissed because the VIDEO showed that BEN should not have been arrested.**

16. Because Deputy MORDACAI cited BEN without probable cause, BEN appeared for court on August 27, 2021 in County Court No. 6, **Judge Kelley Andrews** Prior to appearing for Court, BEN called the Court Clerk, **Shavaris Kennedy** to confirm the court date who rudely hung up on BEN. BEN called back and **BRUCE**

1 answered the telephone and when asked the same question hung up on **BEN before**  
2 **threatening to arrest him. When speaking to the Judge concerning the**  
3 **misdemeanor charge, Ben attempted to mention the actions of the Clerk Kennedy**  
4 **and bailiff BRUCE and tried to tell his side of the incident and was quickly cut-off**  
5 **by Judge Andrews. Judge Andrews apparently did not want to hear BEN and had**  
6 **him arrested by BRUCE without cause . Deputy Farris took Ben to the room in the**  
7 **Courtroom where defendants in jail meet their attorneys. Upon entering the room,**  
8 **when Farris closed the door, Deputy FARRIS applied excessive force by beating up**  
9 **BEN severely without any probable cause. Apparently JUDGE ANDREWS later**  
10 **observed BEN was beaten up but did not say or do nothing. At all times BEN did not**  
11 **offer any type of resistance to what he was told to do.**

12 17. An ambulance was called and **BEN** was removed from the courthouse by  
13 ambulance to a hospital where Ben was not even provided adequate treatment for his  
14 injuries. He was semi-conscious even though severely beaten. BEN was never told what  
15 hospital he was in. Immediately after a brief stay at the hospital he was transported to  
16 the Harris County Jail.

17 18. At the jail he was put in solitary confinement by the officers, (in the early  
18 evening) who continually initially punched **BEN in the face, knocked him on the**  
19 **ground, and kicked him** applying excessive force by beating him up, namely  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 HARDAGE, MONTELONGO, NUABA, and PRICE referred to herein as the  
2 “CORRECTIONAL OFFICERS”. He was never allowed a phone call.

3 19. The CORRECTIONAL OFFICERS stated “This is TEXAS and YOU are  
4 Jewish” giving **BEN** a **racist reason** for the excessive force and beating. At no time did  
5 **BEN** disobey the instructions or resist the CORRECTIONAL OFFICERS. **BEN** was  
6 provided no food or water for the entire evening. The next day upon a shift change he  
7 was allowed to enter the general population where he was allowed a phone call. He  
8 placed a phone call and was released on his own recognizance. He retained counsel.  
9 **The case was dismissed by the Court on August 10, 2022 because of insufficient**  
10 **evidence after the District Attorney reviewed the video that was in BEN’S cell**  
11 **phone.**

12 20. As a result of the excessive force and beatings, plaintiff sustained substantial  
13 and permanent injuries to his back, neck, and spinal cord. and still receives treatment  
14 today including severe emotional distress based on this incident.

15  
16  
17  
18  
19  
20 **FIRST CAUSE OF ACTION**

21 **(42 U.S.C. Section 1983)**

22 **(4<sup>th</sup> and 14<sup>th</sup> Amendment)**

23 **(Against all the named individual defendants}**

24 **DOES 1-10, inclusive)**

25 21. Plaintiff hereby realleges and incorporates by reference herein paragraphs 1  
26 through 20 of this Complaint.  
27  
28



1           22. In doing the acts complained of herein, **DEPUTY DALTON MORDECAI,**  
2 **DEPUTY BRUCE FERRIS, CORRECTIONAL OFFICERS HARDAGE,**  
3 **MONTELONGO, NUABA, AND PRICE, violated BEN** of certain constitutionally  
4 protected rights including, but not limited to as follows:  
5

6           a. **Officer Mordacai** for arresting **BEN** without probable cause after  
7 reviewing the video from BEN's Cell Phone which was the same video which resulted  
8 in the charges being dropped; **DEPUTY BRUCE FERRIS** for the unlawful arrest,  
9 seizure, and the application of excessive force by beating up **BEN** for no probable  
10 cause and for no resistance from **BEN**; the CORRECTIONAL OFFICERS for the  
11 application of excessive force to **BEN and deprivation of food and medical care to**  
12 **BEN even though BEN offered no resistance.**  
13  
14  
15

16           b. The right not to be deprived of life or liberty without due process of law, as  
17 guaranteed by the Fourth and Fourteenth amendments to the United States Constitution;  
18

19           c. The right to equal protection of the laws, as guaranteed by the Fourteenth  
20 amendment to the United States Constitution;  
21

22           d. The right not to have excessive force against her in violation of her 14<sup>th</sup>  
23 amendment rights.  
24

25           e. The right to be free from interferences with the zone of privacy, as  
26 protected by the Fourth and Ninth Amendments to the United States Constitution.  
27

28           f. Cruel and unusual punishment in violation of 9<sup>th</sup> Amendment rights.

WHEREFORE, plaintiff prays for relief as hereinafter set forth below.

**SECOND CAUSE OF ACTION**

**(42 U.S.C. Section 1983)**

**(Against defendant HARRIS COUNTY, TEXAS)**

**(Monell Related Claims)**

23. Plaintiff hereby realleges and incorporates by reference herein paragraphs 1 through 22 of this Complaint, except for any and all allegations of intentional,

24. Defendant Harris County, Texas, including through its Sheriff's Department, is a "person" within the meaning of 42 U.S.C. § 1983 and subject to civil liability pursuant to the doctrine outlined in *Monell v. Dept. of Social Services* (1978) 436 U.S.

658. Individual Defendants, and each of them, acted under color of state law when committing the acts alleged herein, in violation of the rights of Plaintiff.

25. Defendant Harris County, Texas, including through its entity the Harris County Sheriff's Department, and those individuals in their official capacity who had supervisory and/or policy making authority, had a duty to Plaintiff at all times to establish, implement and follow policies, procedures, customs and/or practices (hereinafter referred to as "policy" or "policies") which confirm and provide the protections guaranteed under the United States Constitution, including those under the Fourth, Ninth, and Fourteenth Amendments, to include without limitation, the protection of the right to be free from unlawful search and seizures and excessive force applied by its deputies.

1       26. Defendant Harris County also had a duty to use reasonable care to select,  
2 assign, supervise, train, control and review the activities of its agents, officers,  
3 employees and those acting under them, including within its Sheriff's Department so as  
4 to protect these Constitutional Rights; and to refrain from acting with deliberate  
5 indifference to the Constitutional Rights of Plaintiff in order to avoid causing the  
6 injuries and damages alleged herein.  
7

8  
9       27. Moreover, based on the duties charged to Defendant Harris County, Texas and  
10 its policymaking officials, knew or should have known of the need to establish customs,  
11 policies, and practices required to protect the aforementioned civil rights of citizens with  
12 whom their Sheriff's Department regularly came into contact. Each of the following  
13 policies, practices, and customs were the direct cause and moving force of Plaintiffs'  
14 injuries and deaths.  
15  
16

17       28. Sheriff Gonzalez was the policymaker for Harris County with  
18 respect  
19 to the jail when **BEN** suffered his injuries due to the jail's unconstitutional  
20 policies, customs, and practices.  
21  
22

23       29. Harris County has encouraged this policy by repeatedly determining  
24 that the actions of jailers which constitute an unnecessary use of force were  
25 justified and within the guidelines of their policies, procedures, and the law.  
26

27       30. It was highly predictable that Harris County employees would follow  
28

1 these ongoing policies and practices. The known and obvious consequences  
2 of Harris County's policies and practices identified above is that detainees  
3 would suffer significant injuries and death. The DOJ, TCJS, and even the  
4 Sheriff as explained above have all provided notice of these policies and the  
5 likely consequences of those policies causing constitutional violations.  
6

7  
8  
9 31. Harris County's rampant constitutional failures go back for the better  
10 part of two decades. When looking back at the Jail's most recent history, the  
11 records and information available to the public creates a trail of constitutional  
12 violations that has steadily grown year over year. The information available  
13 to the public only shows the tips of the icebergs that make up this trail, but  
14 the tips of the icebergs are more than sufficient to draw the conclusion that  
15 Defendant has ongoing policies, practices, procedures, and customs that are  
16 the moving force behind the violation of each of BEN's constitutional rights  
17 leading to their injuries and deaths.  
18

19  
20  
21 32. Harris County attempts to hide what happens behind the doors of the  
22 Jail, but a few public records are available to give insight into the ongoing  
23 pervasive nature of the deplorable conditions behind those doors. These  
24 records include an investigation by the Department of Justice, numerous  
25 investigations and non-compliance reports by the Texas Commission on Jail  
26  
27  
28

1 Standards, multiple admissions by the Harris County Sheriffs of the “culture”  
2 within the Jail, statistics gathered and reported by the Harris County Sheriff  
3 showing the violent nature of the Jail, and numerous incidents involving  
4  
5 **similar facts and injuries suffered by BEN.**

6 33. One main area that the DOJ found as unconstitutional was  
7  
8 “significant and often glaring operational deficiencies” in security matters  
9 including lacking: “(1) a minimally adequate system for deterring excessive  
10 use of force, and (2) an adequate plan for managing a large and sometimes violent  
11 detainee population.” In addressing this area, tellingly, the DOJ started their  
12 analysis with: “We have serious concerns about the use of force at the Jail.”  
13

14 34. “Indeed, we found significant number of incidents where staff used  
15 inappropriate force techniques, often without subsequent documented  
16 investigation or correction by supervisors.”. The staff would fail to properly  
17 investigate the use of force when used with inaccurate documentation and  
18 relying exclusively on officer statements. “Jail data regarding use of force  
19 levels cannot be considered reliable.” “We believe that the incidents noted  
20 during our review may only reflect part of what is really occurring within the  
21 facility.”  
22

23 35. Under well-established Texas law, the Harris County Sheriff is  
24 the final policymaker for the Harris County Jail for the purpose of holding  
25  
26  
27  
28

1 the County liable under § 1983. The Sheriff position regardless of the  
2 individual holding that position is the policymaker. In November 2016,  
3 Sheriff Ed Gonzalez was elected as the Sheriff of Harris County with specific  
4 responsibilities over the Harris County Jail. Sheriff Gonzalez was the  
5 policymaker when Plaintiff BEN suffered their injuries and died in the Harris  
6 County Jail.  
7  
8

9 36. At the time of the underlying events, the regularly established customs and  
10 practices of the Harris County Sheriff Department that were followed, adhered to,  
11 complied with, and carried out by Defendants, were the moving force, that is, the actual,  
12 direct, and proximate cause of the violations of the Plaintiff's rights as follows but are  
13 not limited to: (a) the unlawful detention of citizens and (b) Excessive Use of Force; (c)  
14 The unwritten policy of acting with deliberate indifference to the rights of citizens  
15 whose rights were violated by its Sheriff's department failing and/or refusing to  
16 implement a practice of regular and adequate training and/or supervision, and/or by  
17 failing to train and/or supervise its officers, agents, employees and state actors, in  
18 providing and ensuring compliance with the constitutional protections guaranteed to  
19 individuals, including those under the Fourth, Ninth, and Fourteenth Amendments. (d)  
20 the consistent failure by Harris County to investigate violations of constitutional rights  
21 by its sergeants and deputy sheriffs, and consistent failure to discipline its sergeants and  
22  
23  
24  
25  
26  
27  
28

1 deputy sheriffs and their supervisors involved in constitutional violations of citizens and  
2 (e ) hiring officers without a full investigation.

3  
4 37. Nevertheless, Harris County has made a knowing and conscious decision to  
5 refrain from promulgating policies to prevent such misconduct, and has consistently and  
6 knowingly failed to provide any training to members of its Sheriff's Department with  
7 respect to Plaintiff's complaint.  
8

9 38. It is obvious that the Court Deputy and Correctional Officers defendants used  
10 excessive force on BEN for no apparent reason causing him extensive injury.  
11

12 39. Plaintiff has also incurred, and will continue to incur, attorney's fees, costs and  
13 expenses, including those authorized by 42 U.S.C. Section 1988, to an extent and in an  
14 amount subject to proof at trial.  
15

16 **DAMAGES**  
17

18 40. As the direct and proximate result of the individual Defendants' wrongful  
19 conduct, including arrest without probable cause and excessive force, plaintiff was  
20 injured and damaged, as set forth herein.  
21

22 41. As a direct and proximate result of Defendant officers' wrongful conduct,  
23 Plaintiff suffered the following injuries and damages:  
24

25 a. Violation of his constitutional rights under the Fourth, Ninth, and  
26 Fourteenth Amendments to the United States Constitution to be free from unreasonable  
27 search and seizure of her person;  
28

1           b.     Loss of physical liberty;

2           c.     Physical injuries, pain and suffering, emotional trauma and suffering, and  
3 medical expenses;

4  
5           d.     Violations of the following clearly established and well-settled federal  
6 constitutional rights which include (1) freedom from unreasonable search and seizure of  
7 their persons under the Fourth Amendment to the United States Constitution; and,  
8 (2) right to equal protection under the Fourteenth Amendment to the United States  
9 Constitution;  
10

11  
12           e.     The conduct of named Defendants' Sheriff deputies was malicious, wanton  
13 and oppressive. Plaintiff is therefore entitled to an award of punitive damages against  
14 said defendant sheriff's deputies;

15  
16           f.     Harris County is also responsible for the lack of policies and procedures by  
17 its Sheriff's Department when it allows its sergeants and deputies to work second jobs  
18 knowing they continually violate the constitutional rights of its citizens.

19  
20           g.     Plaintiff found it necessary to engage the services of private counsel to  
21 vindicate her rights under the law. Plaintiff is therefore entitled to an award of all  
22 attorney's fees incurred in relation to this action for violation of her civil rights.  
23

24  
25                                   **PRAYER**

26  
27           WHEREFORE, plaintiff prays for judgment against the Defendants, jointly and  
28 severally as follows:



1. For general damages in the sum of \$1,000,000.00;
2. For special damages according to proof;
3. For punitive damages against the individual named Defendant sheriff's deputies, according to proof;
4. For reasonable attorney's fees pursuant to 42 U.S.C. Sections 1983 and 1988;
5. For costs of suit herein incurred; and
6. For such other and further relief as the Court deems just and proper.

### **JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

Dated: August 11, 2023

s/ Edward A. Rose, Jr.  
By Edward A. Rose, Jr. Attorney at Law  
Edward A. Rose, Jr., Attorney at Law, PC  
Attorney-in-Charge  
State of Texas Bar No. 24081127  
Southern District of Texas Bar No. 1645585  
3027 Marina Bay Drive Suite 208  
League City, Texas 77573  
Phone: 713-581-6029  
Fax: 832-201-9960  
[edrose@edroseattorneycpa.com](mailto:edrose@edroseattorneycpa.com)

**s/ Kent Motamedi**

By: Kent Motamedi, Attorney at Law

Motamedi Law, PLLC

SBN: 24107233

952 Echo Lane, Suite 320

Houston, Texas 77024

Phone: 832-582-5867

[kent@motamedilaw.com](mailto:kent@motamedilaw.com)

*Attorneys for Plaintiffs*